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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 THE UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-GMN-PAL

8 Plaintiff,

ORDER

9 v.

(Mot Compel – ECF No. 442)

10 RYAN W. PAYNE,

11 Defendant.

12 Before the court is Defendant Ryan W. Payne's Motion to Compel Electronic Access to
13 Legal Materials and the Ability to Communicate Telephonically with Defense Counsel in a
14 Confidential Manner (ECF No. 442). The court has reviewed the Motion, the Government's
15 Response (ECF No. 517), Payne's Reply (ECF No. 530), and Defendants Peter T. Santilli, Jr.,
16 Ammon E. Bundy, Joseph D. O'Shaughnessy, Blaine Cooper, Cliven D. Bundy, Jason D.
17 Woods, and Micah L. McGuire's Motions for Joinder (ECF Nos. 453, 457, 463, 490, 499, 500)
18 which were granted in the court's Order (ECF No. 527).


19 Payne is charged here and in the District of Oregon. He is in custody of the Multnomah
20 County Inverness Jail (MCSO) awaiting trial. Trial in the District of Oregon case is set for
21 September 7, 2016. Trial in this district is set for February 6, 2016. In the current motion he
22 seeks an order compelling access to a laptop to allow him to review CDs/DVDs of his discovery
23 and other legal materials, and connect to an external hard drive that holds multiple terabytes of
24 data. Defense counsel offers to provide the laptop. He also request an order transferring him to a
25 different detention facility that will: provide him access to paper and electronic materials; the
26 ability to review legal materials on a laptop in a confidential manner; the ability to secure his
27 legal materials when not in use; and the ability to speak with counsel on the phone
28 confidentially.

The government's response asserts that the relief sought is not affecting the superseding indictment or the government's case, and the matter is best addressed in a pretrial conference. Otherwise, the government takes no position. However, the government informs the court that this matter has been raised in Oregon in the case filed against the Defendants charged in both cases.

On July 7, 2016 the Honorable Anna J. Brown entered an Order (ECF No. 850) in the case pending in the District of Oregon, Case No 3:16-cr-00051-BR, denying a motion to continue the District of Oregon trial filed by Defendants Ammon and Ryan Bundy. The order memorializes the extraordinary accommodations made to the Defendants in that case “to facilitate their trial preparation, including the personal and continuing assistance of Senior Judge Robert E. Jones in engaging with jail authorities to address issues related to discovery review and attorney-client contact and in making additional attorney-client conferral facilities available through the United States Marshals Service.” Payne’s motion does not indicate what, if anything, has been done to work with MCSO, his Oregon counsel, the USMS, or Judge Jones to facilitate access to discovery materials in this case. A footnote in the motion indicates counsel has been in communication with MCSO staff who has agreed to allow visits with Payne at prearranged dates and times, and that it is hoped visitation issues are now resolved. Counsel for Payne has not shown that he is unable to procure meaningful access to counsel or discovery materials in this case in the facility where he is currently detained. Accordingly,

IT IS ORDERED that Ryan W. Payne's Motion to Compel (ECF No. 442) is **DENIED**.

DATED this 8th day of July, 2016.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE